

PLA.
JAMES BOND
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2009 JUL 22 P 2:43

SOUTHERN DISTRICT OF OHIO
EAST DIV. COLUMBUS

UNITED STATES OF AMERICA, :
:

PLAINTIFF,	:	CASE NO. CR2-09-137
		JUDGE WATSON
vs.	:	18 U.S.C. § 2
		18 U.S.C. § 371
JUSTIN LAIN FRASURE, (Counts 1-5)	:	18 U.S.C. § 513(a)
BRANDON A. HANSON, (Counts 1, 6-12, 17)	:	18 U.S.C. § 513(b)
GARY R. SMITH, JR., and (Counts 1, 6-9, 13-14, 17)	:	18 U.S.C. § 1028(a)(7)
		18 U.S.C. § 1028(b)(1)(D)
JOHN M. LENT (Counts 1, 15-16)	:	18 U.S.C. § 1029(a)(3)
		18 U.S.C. § 1029(c)(1)(A)(i)
DEFENDANTS.	:	18 U.S.C. § 1708

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

18 U.S.C. 371 - CONSPIRACY

1. From on or about August 1, 2008, through on or about November 30, 2008, in the Southern District of Ohio and elsewhere, defendants JUSTIN LAIN FRASURE, BRANDON A. HANSON, GARY R. SMITH, JR. and JOHN M. LENT unlawfully, intentionally and knowingly did combine, conspire, confederate and agree with diverse other persons, both known and

unknown to the Grand Jury, to violate the laws of the United States, to wit:

- a) to knowingly and unlawfully possess letters, postal cards, packages, bags or mail or any article or thing contained therein which has been stolen, taken embezzled or abstracted from the United States mail, knowing the same to have been so stolen, taken, embezzled, or abstracted in violation of 18 U.S.C. § 1708;
- b) to steal, take, abstract, or by fraud or deception obtain from the United States mail any letter, postal card, package, bag, or mail, or abstract or remove from any such matter, any article or thing contained therein or secrete, embezzle or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein in violation of 18 U.S.C. § 1708;
- c) in or affecting interstate or foreign commerce or involving the mails, to knowingly transfer, possess or use, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law in violation of 18 U.S.C. § 1028(a)(7);
- d) making, uttering or possessing a counterfeited security of an organization, with intent to deceive another person, or organization in violation of 18 U.S.C. § 513(a).

OBJECT OF THE CONSPIRACY

2. The object of the conspiracy was to steal mail, to obtain stolen mail from others and to extract personal information including credit cards, checks, social security numbers, addresses, dates of birth and other financial and identification information to produce and cash counterfeit and checks, access financial accounts and otherwise obtain money and other things of value

belonging to others.

MANNER AND MEANS

3. The manner and means by which this purpose was carried out included but were not limited to the following:

- a) stealing mail from neighborhood mail boxes;
- b) opening the mail and extracting useful identity information, credit cards, blank cash advance checks, securities or other monetary instruments, then destroying the remaining mail;
- c) using the identity information, credit cards, blank cash advance checks, securities or other monetary instruments to unlawfully obtain money and property belonging to others.

OVERT ACTS

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of Ohio and elsewhere:

- a. On or about October 19, 2008, defendant JUSTIN LAIN FRASURE outside the Port Columbus Airport Hampton Inn, possessed approximately 18 pieces of stolen mail including 3 convenience checks for the account of "AH", a check made out to "JMM" in the amount of \$5,000, a pay stub for "KS," a retirement portfolio, Target, Amex, Bank of America and Discover credit card statements and 2 convenience checks all for "GK."
- b. From on or about mid August through on or about November 10, 2008, defendant JUSTIN LAIN FRASURE stole mail in the Italian Village area, in German Village, and in the area of Parsons and Livingston Avenue, all of the locations being in the City of Columbus.
- c. On or about November 14, 2008, defendants GARY R. SMITH, JR. and BRANDON A. HANSON possessed stolen mail in a room at the Baymont Inn on Mediterranean Avenue in Columbus, Ohio;

- d. On or about November 14, 2008, defendants GARY R. SMITH, JR. and BRANDON A. HANSON were using a computer and printer with a check writing program and were also in possession of identification for other people, and counterfeit checks.
- e. On or about November 2, 2008, defendant BRANDON A. HANSON cashed a counterfeit check at a business in Zanesville, Ohio in the amount of \$914.12.
- f. On or about November 2, 2008, defendant GARY R. SMITH, JR. cashed a counterfeit check at a business in Zanesville, Ohio in the amount of \$946.27.
- g. On or about November 10, 2008, defendant JOHN M. LENT cashed a counterfeit check in the amount of \$1,500 and a bank in Zanesville and attempted to cash a second counterfeit check in the amount of \$4,500 at a different branch of the same bank.

All in violation of 18 U.S.C. § 371.

COUNT TWO

18 U.S.C. § 1708 - POSSESSION OF STOLEN MAIL

On or about October 19, 2008, in the Southern District of Ohio, defendant JUSTIN LAIN FRASURE, did knowingly and unlawfully possess letters, postal cards, packages, or mail or any article or thing contained therein which has been stolen, taken, embezzled or abstracted from the United States mail, post office or station, a letter box, mail receptacle or any mail route or other authorized depository for mail matter knowing the same to have been so stolen, taken, embezzled, or abstracted.

In violation of 18 U.S.C. § 1708.

COUNT THREE

18 U.S.C. § 1708 - THEFT OF MAIL

On or about October 19, 2008, in the Southern District of Ohio, defendant JUSTIN LAIN FRASURE, did knowingly and unlawfully steal, take, abstract, or by fraud or deception obtain from the United States mail, post office or station, a letter box, mail receptacle or any mail route or other authorized depository for mail matter, any letter, postal card, package, bag, or mail, or abstract or remove from any such matter, any article or thing contained therein or secrete, embezzle or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein.

In violation of 18 U.S.C. § 1708.

COUNT FOUR

18 U.S.C. § 1708 - POSSESSION OF STOLEN MAIL

On or about November 10, 2008, in the Southern District of Ohio, defendant JUSTIN LAIN FRASURE, did knowingly and unlawfully possess letters, postal cards, packages, or mail or any article or thing contained therein which has been stolen, taken, embezzled or abstracted from the United States mail, post office or station, a letter box, mail receptacle or any mail route or other authorized depository for mail matter, knowing the same to have been so stolen, taken, embezzled, or abstracted.

In violation of 18 U.S.C. § 1708.

COUNT FIVE

18 U.S.C. § 1708 - THEFT OF MAIL

On or about November 10, 2008, in the Southern District of Ohio, defendant JUSTIN LAIN FRASURE, did knowingly and unlawfully steal, take, abstract, or by fraud or deception obtain from the United States mail, post office or station, a letter box, mail receptacle or any mail route or other authorized depository for mail matter, any letter, postal card, package, bag, or mail, or abstract or remove from any such matter, any article or thing contained therein or secrete, embezzle or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein.

In violation of 18 U.S.C. § 1708.

COUNT SIX

18 U.S.C. § 1708 - POSSESSION OF STOLEN MAIL

On or about November 14, 2008, in the Southern District of Ohio, defendant BRANDON A. HANSON and GARY R. SMITH, JR. did knowingly and unlawfully possess letters, postal cards, packages, or mail or any article or thing contained therein which has been stolen, taken, embezzled or abstracted from the United States mail, post office or station, a letter box, mail receptacle or any mail route or other authorized depository for mail matter, knowing the same to have been so stolen, taken, embezzled, or abstracted.

In violation of 18 U.S.C. § 1708 and § 2..

COUNT SEVEN

18 U.S.C. § 1028(a)(7) - IDENTIFICATION FRAUD

On or about November 14, 2008, in the Southern District of Ohio, defendants BRANDON A. HANSON and GARY R. SMITH, JR., in or affecting interstate and foreign commerce and involving the mails, did knowingly possess and use, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a felony under any applicable State or local law, and said offense involved the possession or use of 1 or more means of identification and any individual committing the offense obtained anything of value aggregating \$1,000 or more during any 1- year period..

In violation of 18 U.S.C. § 1028(a)(7) and (b)(1)(D).

COUNT EIGHT

18 U.S.C. § 513(a) - COUNTERFEIT SECURITIES

On or about November 14, 2008, in the Southern District of Ohio, defendants BRANDON A. HANSON and GARY R. SMITH, JR., did make and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: 3 checks drawn on Bank of New York, payor being "P", an entity and being check numbers 1004, 1005 and 1006, each payable to defendant BRANDON HANSON and each in the amount of \$4,619.91; and one check drawn on Huntington National Bank, payor shown as Brandon A. Hanson but using the account and routing numbers of "JMB", payable to Staples, Inc. in the amount of \$5,478.25.

In violation of 18 U.S.C. § 513(a) and § 2.

COUNT NINE

18 U.S.C. § 513(b) - COUNTERFEITING IMPLEMENT FOR SECURITIES

On or about November 14, 2008, in the Southern District of Ohio, defendants BRANDON A. HANSON and GARY R. SMITH, JR., did possess an implement designed for or particularly suited for making a counterfeit or forged security with an intent that it be so used, to wit: a computer and VersaCheck software.

In violation of 18 U.S.C. § 513(b) and § 2.

COUNT TEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 2, 2008, in the Southern District of Ohio, defendant BRANDON A. HANSON did utter and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: a check drawn on "HNB," on the account of "Columbus College of Design" but using the account and routing numbers of "CCAD" and being check number 13646 payable to defendant BRANDON A. HANSON in the amount of \$914.12.

In violation of 18 U.S.C. § 513(a).

COUNT ELEVEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 4, 2008, in the Southern District of Ohio, defendant BRANDON A. HANSON did utter and possess a counterfeit security of an organization with intent to deceive

another person or organization, to wit: a check drawn on "HNB, on the account of "Columbus College of Art & Design" and being check number 13684 payable to defendant BRANDON A. HANSON in the amount of \$ 1,900.00.

In violation of 18 U.S.C. § 513(a).

COUNT TWELVE

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 4, 2008, in the Southern District of Ohio, defendant BRANDON A. HANSON did utter and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: a check drawn on "Huntington," on the account of "Columbus College of Art & Design" and being check number 13678 payable to defendant BRANDON A. HANSON in the amount of \$ 914.12.

In violation of 18 U.S.C. § 513(a).

COUNT THIRTEEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 2, 2008, in the Southern District of Ohio, defendant GARY R. SMITH, JR. did utter and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: a check drawn on "HNB, on the account "Columbus College of Design but using the account and routing numbers of "CCAD" and being check number 13663 payable to defendant GARY R. SMITH, JR. in the amount of \$946.27.

In violation of 18 U.S.C. § 513(a).

COUNT FOURTEEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 6, 2008, in the Southern District of Ohio, defendant GARY R. SMITH, JR. did utter and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: a check drawn on "HNB" on the account of Columbus College of Art & Design and being check number 13686 payable to defendant GARY R. SMITH, JR. in the amount of \$ 284.67.

In violation of 18 U.S.C. § 513(a).

COUNT FIFTEEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 10, 2008, in the Southern District of Ohio, defendant JOHN M. LENT did utter and possess a counterfeit security of an organization with intent to deceive another person or organization, to wit: a check drawn on "Huntington Bank," which appeared to be on the account of "Brandon A. Hanson" but with the account number of "JMB" and being check number 1841 payable to defendant JOHN M. LENT in the amount of \$ 1,500.00.

In violation of 18 U.S.C. § 513(a).

COUNT SIXTEEN

18 U.S.C. § 513(a) - UTTERING A COUNTERFEIT SECURITY

On or about November 10, 2008, in the Southern District of Ohio, defendant JOHN M. LENT did utter and possess a counterfeit security of an organization with intent to deceive

another person or organization, to wit: a check drawn on "Huntington Bank," which appeared to be on the account of "Brandon A. Hanson" but with the account number of "JMB" and being check number 1831 payable to defendant JOHN M. LENT in the amount of \$ 4,500.00.

In violation of 18 U.S.C. § 513(a).

COUNT SEVENTEEN

18 U.S.C. § 1029(a)(3) - ACCESS DEVICE FRAUD

On or about November 14, 2008, in the southern District of Ohio, defendants BRANDON A. HANSON and GARY R. SMITH, JR., affecting interstate and foreign commerce, did knowingly and with intent to defraud possess fifteen or more devices which are unauthorized access devices.

In violation of 18 U.S.C. § 1029(a)(3) and (c)(1)(A)(i).

A True Bill.

S/ Foreperson
Foreperson

GREGORY G. LOCKHART,
UNITED STATES ATTORNEY


GARY L. PARTIS (0023428)
DEPUTY CRIMINAL CHIEF,
ASSISTANT UNITED STATES ATTORNEY